

## Agricultural Marketing Service, USDA

## § 35.12

with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR part 2851<sup>1</sup>).

### § 35.8 Date of export.

*Date of export* means the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an “on board” date is shown.

## REGULATIONS

### § 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of any variety of vinifera species table grapes unless such grapes meet the following quality and container marking requirements applicable to the variety and destination specified:

(a) Any such variety for export to destinations in Japan, Europe (defined to mean the following countries: Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, East Germany, England, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Northern Ireland, Norway, Poland, Portugal, Rumania, Scotland, Spain, Sweden, Switzerland, Wales, West Germany, Yugoslavia), or Greenland shall meet each applicable minimum requirement of the U.S. Fancy Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§51.880-51.912 of this title) except that the minimum bunch size for all varieties shall be one-half pound. The Black Corinth variety shall be exempt from bunch and berry size requirements.

(b) Any such variety for export to any foreign destination, other than destinations in Japan, Europe, Greenland, Canada, or Mexico, shall meet each applicable minimum requirement of the U.S. No. 1 Table grape grade as specified in the U.S. Standards for

Grades of Table Grapes (European or Vinifera Type) (§§51.880 through 51.912 of this title) except that an additional 2 percent tolerance for sealed berry cracks on Ribier and Exotic varieties is allowed. The Black Corinth variety shall be exempt from bunch and berry size requirements.

(c) Each package of any such variety, other than those in packages of 5 pounds or less in master containers, to any destination other than in Canada or Mexico shall be plainly and conspicuously marked with the name and address of the grower or packer, the variety, and the applicable inspection lot stamp number, except that when the packages are unitized, the requirement as to inspection lot stamp marking shall be deemed as met if the exposed box ends on one end of the unit are so marked.

[41 FR 32877, Aug. 6, 1976, as amended at 61 FR 54082, Oct. 17, 1996]

### § 35.12 Inspection and certification.

(a) Each person shipping or offering for shipment any variety of vinifera species table grapes, to any foreign destination other than destinations in Canada or Mexico, shall cause them to be inspected within 14 days prior to date of export by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables, and other products (part 51 of this chapter) and certified as meeting the requirements of the act and this part.

(b) The Federal or Federal-State certificate shall be designated as an “Export Form Certificate” and shall include one of the following statements as applicable:

(1) For any variety meeting specifications of paragraph (a) of §35.11 “Meets requirements of Export Grape and Plum Act” or (2) For any variety meeting specifications of paragraph (b) of §35.11 “Meets requirements of Export Grape and Plum Act except for export to destinations in Europe, Greenland, or Japan.” No carrier shall transport or receive for transportation any such variety to any foreign destination other than Canada or Mexico unless a copy of the certificate of inspection issued thereon showing that the grapes meet

<sup>1</sup>Part 2851 was redesignated as part 51 at 46 FR 63203, Dec. 31, 1981.